



Crl.O.P.No.4811 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 506(ii) IPC and Section 3(1) of PPD Act 1984 @ 120(b), 294(b), 328, 353, 506(ii) of IPC r/w Section 8(c), 20(b)(ii)(B) of NDPS Act and Section 3 of PPD Act, in Crime No.514 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that, during regular inspection conducted by the respondent Police, they found that the petitioner along with other accused were found in illegal possession of 6 kgs of ganja after the search of the vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner has got one previous case registered for the offence under Section 302 of IPC and he has been



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granted bail. He further submit that there was a quarrel between the petitioner and the defacto complainant, thereby he has foisted a false case as if the petitioner have driven the vehicle Tata Nixon van attempted to dash against the barricade and then left the vehicle and ran away. Originally, a case was registered for the offence under Sections 294(b), 353, 506(ii) of IPC and Section 3(1) of TNPPD Act, at that time, they did not mentioned about any contraband in the vehicle later they have kept the contraband in the vehicle and they also added for the provisions under Section NDPS Act. He further submit that the co-accused in this case has been granted anticipatory bail in Crl.OP.No.32237 of 2022 dated 09.01.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioner along with other accused was found in illegal possession of 6 kgs of ganja after the search of the vehicle. He further submit that the petitioner has no previous case pending against him. However, he vehemently opposed for grant of



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anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and also perused the materials available on record.

6. Taking into consideration of the facts and submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Thiruttani**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the



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petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police Station on alternative days at 10.30 a.m., for a period of three months.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;



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[f] If the accused thereafter absconds, a
fresh FIR can be registered under Section 229A IPC;

10.03.2023

drl

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